

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY CGSA, INC.	)	
FOR ISSUANCE OF A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY	)	
TO CONSTRUCT AN ADDITIONAL CELL	)	
SITE IN LEXINGTON, KENTUCKY FOR	)	CASE NO.
THE PROVISION OF DOMESTIC PUBLIC	)	98-169
CELLULAR RADIO TELECOMMUNICATIONS	)	
SERVICE TO THE PUBLIC IN FAYETTE	)	
COUNTY, KENTUCKY AND THE	)	
LEXINGTON MSA	)	

O R D E R

To date, the Commission has received approximately 200 letters protesting the proposed construction of a cellular telecommunications facility to be located at 361 Duke Road, Lexington, Fayette County, Kentucky. The great majority of these protests are identical form letters upon which the protestors have written only their respective names and addresses. As of this date, these form letters continue to arrive at the Commission's offices. Because these letters are so numerous, and because they essentially constitute a petition, for administrative purposes the Commission has designated Bill Farmer, Jr., Urban County Councilmember from the Fifth District, as spokesperson for the homeowners and residents who have submitted, and who may in the future submit, identical form letters in regard to the proposed site.

IT IS THEREFORE ORDERED that:

1. Kentucky CGSA, Inc. ("Kentucky CGSA") shall respond to the concerns stated in the attached letters by certified mail, within 14 days from the date of this Order.

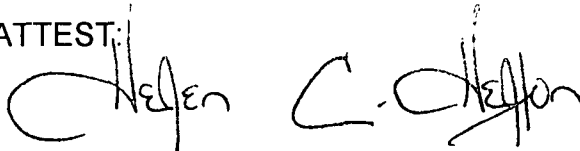
2. Kentucky CGSA shall file a copy of the certified letters and dated receipts, within 7 days of the date on the receipts.

Done at Frankfort, Kentucky, this 30th day of April, 1998.

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director



# Lexington-Fayette Urban County Council

April 20, 1998

**RECEIVED**

**APR 23 1998**

**PUBLIC SERVICE  
COMMISSION**

**Teresa Ann Isaac**  
*Vice-Mayor*

**Charles W. Ellinger**  
*At-Large Member*

**David B. Stevens**  
*At-Large Member*

**George A. Brown, Jr.**  
*1st District*

**Robert R. Jefferson**  
*2nd District*

**Dick DeCamp**  
*3rd District*

**Isabel Yates**  
*4th District*

**Bill Farmer, Jr.**  
*5th District*

**Al Mitchell**  
*6th District*

**Willy Fogle**  
*7th District*

**Fred V. Brown**  
*8th District*

**Jennifer Mossotti**  
*9th District*

**Sandra Shafer**  
*10th District*

**Richard P. Moloney**  
*11th District*

**Gloria Martin**  
*12th District*

Ms. Helen Helton, Executive Director  
Public Service Commission  
730 Schenkel Lane  
P.O. Box 615  
Frankfort, KY 40602

Dear Ms. Helton:

As an elected representative of the Fifth District of the Urban County Council, I oppose the proposed installation of the cellular tower at 361 Duke Road. This tower would adversely affect the character and appearance of the existing neighborhood and businesses, and it would be incompatible with the area.

In addition, I also would like to make a formal request to be provided verification from your office of the notification sent to property owners within 500' of the proposed site on Duke Road.

I look forward to hearing from you soon.

Sincerely,

Bill Farmer, Jr.  
Councilmember, District 5

BF/mdf/810bf



April 24, 1998

RECEIVED  
APR 27 1998  
PUBLIC SERVICE  
COMMISSION

Executive Director's Office  
Public Service Commission of Kentucky  
P. O. Box 615  
Frankfort, KY 40602

Re: Kentucky CGSA, Inc. - Case No: 98-169

Gentlemen:

We have received notice that the Kentucky CGSA, Inc., has applied to you for a certificate of public convenience to construct and operate a new facility to provide cellular radio telecommunications service. The facility will include a 120' monopole, with 9 antennas, for a total height of 130 feet and an equipment shelter located at 361 Duke Road, Lexington, Kentucky 40502.

The Lexington YWCA operates Arnett Pritchett Place, a licensed personal care facility (rest home) for approximately 16 elderly women, located at 319-323 Duke Road. This home is near 361 Duke Road. We are most concerned about any hazards generated from high-voltage equipment and possible environmental contamination. Also the location of such a tower near the YWCA's property would significantly lower the value of the property. The neighborhood is residential, and a highly visible antenna would be detrimental to the beauty, quality and value of the entire neighborhood.

According to a letter dated April 8, 1998 from Sam G. McNamara, attorney for Lexington CGSA, Inc., our request for intervention should be addressed to you. Please consider this a request for intervention.

We would appreciate hearing from you as to what further steps we should take in this matter.

Very truly yours,

Young Women's Christian Association

By: Brenda Gallett  
President

Administrative Offices:  
Cross Keys Center  
1060 Cross Keys Rd.  
Lexington, KY 40504  
(606) 276-4457

Phillis Wheatley Center  
647 Chestnut Street  
Lexington, KY 40504  
(606) 254-3786

Arnett Pritchett Place  
319 Duke Road  
Lexington, KY 40502  
(606) 266-6031

YWCA Spouse Abuse Center  
Crisis Line (606) 255-9808



# ARNOLD

real estate & construction

2549 Richmond Road, Suite 100 • Lexington, Kentucky 40509 • Phone 606/266-3181 • Fax 606/266-0400

April 23, 1998

Ms. Helen Helton, Executive Director  
Public Service Commission  
730 Schenkel Lane  
P.O. Box 615  
Frankfort, KY 40602

Re: Case No. 98-169

Dear Ms. Helton:

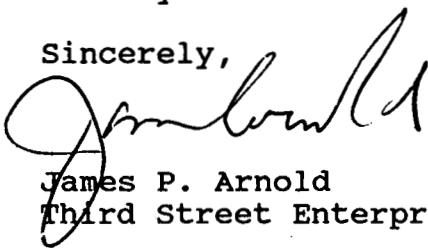
I am very opposed to the 130' tower Kentucky CGSA proposes to construct adjacent to our property. Our property is located at 340 Romany Road. We have owned this property since 1965. Our property is composed of (24) one bedroom apartments which are mainly occupied by older residents. We feel very protective of our residents and the character of the neighborhood.

In fact, we were approached to have this tower built on a rear portion of our property. We declined to have the tower built on our property and we do not want the tower built next door to us.

We would like to be advised of any further action or meetings regarding approval of the tower.

Thank you.

Sincerely,



James P. Arnold  
Third Street Enterprises, Inc.

JPA/ewd  
copy: file

RECEIVED  
APR 27 1998  
PUBLIC SERVICE  
COMMISSION

35 Years  
of Service



MULTIPLE  
LISTING  
SERVICE

**MLS**

Lexington-Bluegrass  
Association of REALTORS®



DONALD P. MOLONEY, II  
1205 PROVIDENCE LANE  
LEXINGTON, KENTUCKY 40502  
(606) 335-1720

April 23, 1998

RECEIVED

APR 27 1998

PUBLIC SERVICE  
COMMISSION

Ms. Helen Helton, Executive Director  
Public Service Commission  
730 Schenkel Lane  
P. O. Box 615  
Frankfort, KY 40602


RE: PSC Case #98-169

Dear Ms. Helton:

This letter is to let you know that I strenuously oppose the installation of a cellular tower at 361 Duke Road, Lexington, Kentucky. The size and height of the proposed tower is totally incompatible with the character and appearance of the neighborhood and surrounding businesses. I am convinced that there are more suitable locations for such a tower than the proposed Duke Road site. The shopping strip on Romany Road is very small in comparison to Lansdowne and Chevy Chase and the installation of a cellular tower would destroy the character and beauty of the surrounding neighborhood.

Please accept this letter as my protest of the proposed tower and please keep me fully advised in all matters regarding this application.

Yours very truly,

  
Donald P. Moloney, II

DPM/lrk

cc: Ms. Diana Moore

Mr. William Farmer

G:\WP61\DOC\DPM\PERSONAL\MISC\HELTON.LK1

(11)

LEXINGTON FAYETTE URBAN COUNTY • DIVISION OF POLICE  
BUREAU OF COMMUNITY SERVICES



Safety Watch  
Telephone Contact List



Neighborhood

Representative:

Karen Wheeler 1170 Indian Mound Rd

Phone:

268 29852

Block Captain:

MALEOLM R. BLEVIN

Phone:

266 7824

Date Established:

April 98

(Call the next highest number after your name.)

Name:

Van + Elizabeth Jenkins

Address:

1164 Lakewood Dr.

Phone:

266 5684

Name:

Tom + Candy Field

Address:

1184 Lakewood Dr.

Phone:

268 1411

work 868 2929 or 232 6765

Name:

Charlie + Royce Armstrong

Address:

1168 Lakewood Dr.

Phone:

266 2729

Royce work - Southern Hills M. School  
Charlie Central Baptist Hosp. 38 13582  
275 6796

Name:

Robert + Evelyn Cobb

Address:

1174 Lakewood Dr.

Phone:

269 8688

+ Pete Spielmann

Name:

Susan Chun Student U of K

Address:

1176 Lakewood Dr.

Phone:

269 0295 work Tel 257 4790

Phone:

269 5997

work 231 0210 or 252 8166

Name:

MALEOLM + Elizabeth

Address:

1196 Lakewood Dr. BLEVIN

Phone:

266 7824

corner Lakewood + Romney Rd.

Name:

Address:

Phone:

Name:

Ruth Stevens

Address:

1180 Lakewood Dr.

Phone:

269 1566

daughter - Mrs William K. Rice  
Tel. 223 7028

Name:

Our personal police officer

Address:

for our area is officer

Phone:

Gary Wilson

His Ph. no. 258 3636

April 25, 1998

Ms. Helen Helton, Executive Director  
Public Service Commission  
730 Schenkel Lane  
P.O. Box 615  
Frankfort, Kentucky 40602

RECEIVED

APR 27 1998

PUBLIC SERVICE  
COMMISSION

Re: PSC Case # 98-169

Dear Ms. Helton:

Two years ago we were notified by an attorney who represented MSA Limited Partnership that they wanted to install a cell phone monopole tower in our neighborhood. In February, 1998, this application was withdrawn, and quickly replaced by another application from the same attorney representing CGSA, Inc., to build the same type of tower near the same location.

We oppose any free-standing tower that would be an eyesore in such a residential district of Lexington. Such commercial, competitive intrusions must be stopped. In a few years technology will render these type of towers obsolete, so let the companies wait until then.

We would appreciate your denying this application. Thank you.

Sincerely,

*Paul L. O'Brian Patricia O'Brian*

Paul L. and Patricia E. O'Brian  
336 Garden Road  
Lexington, Kentucky 40502  
606-266-3017



E. JAY BRUMFIELD  
1189 INDIAN MOUND ROAD  
LEXINGTON, KY. 40502

RECEIVED

APR 27 1998

24 April 1998 PUBLIC SERVICE COMMISSION

Executive Director's Office  
Public Service Commission of Kentucky  
P. O. Box 615  
Frankfort, KY 40602

I am writing with reference to Case No. 98-169 concerning the granting of approval for construction of a 120-foot tower on Duke Road in our Lexington neighborhood.

Certainly, as a property owner located only 1 1/2 short blocks from the proposed sight of this giant tower, I wish to protest any approval of the construction plan. Our neighborhood association has made great strides in recent years to improve, not only our own properties, but the general condition of the Cooper-Romany Road residential and business areas.

Our neighborhood business center - which includes a Kroger market and the Duke Road post office as well as pharmacy, physicians' office, et cetera - is a gathering spot for families located in the greater neighborhood and is further impacted with the movement of adults and children alike attending Cassidy and Morton schools and both school and religious services at Christ the King Cathedral.

These people should not be placed in jeopardy by the construction of a giant 120-foot tower looming menacing over us all as we go about with our business and necessary neighborhood endeavors.

Thank you for the opportunity to express a critical opinion.

Sincerely,

  
Jay Brumfield

# Ashland Neighborhood Association

19 April 1998

PUBLIC SERVICE COMMISSION  
730 Schenkel Lane  
Frankfort, Ky. 40602

RECEIVED  
APR 27 1998  
PUBLIC SERVICE  
COMMISSION

RE: PSC Case # 98-169

Dear Ms. Helen Helton,

The Ashland Neighborhood Association comprises a block defined by Fontaine Road to Richmond Road and Irvine Road to Chinoe Road. Within our neighborhood is the Ashland Estate of Henry Clay. We border to the east of the Chevy Chase Neighborhood Association. As the crow flies we are very close to the proposed cell tower at 361 Duke Road.

I speak for the Board of Officers of the Ashland Neighborhood Association. WE STRONGLY OPPOSE THE INSTALLATION OF THE CELLULAR TOWER AT 361 DUKE ROAD.

We thought that this proposed tower was defeated and long gone. It is not in keeping with the character and appearance of the neighborhoods or community.

Please find some alternative locations.

Thank you,



Christian Henkel  
President ANA

Home address; 327 McDowell Road  
Lexington, Ky 40502-1823  
(606) 266-2544

367 Colony Blvd.  
Lexington, KY 40502  
April 22, 1998

Ms. Helen Helton, Executive Director  
Public Service Commission  
730 Schenkel Lane  
P.O. Box 615  
Frankfort, KY 40602

APR 27 1998  
PUBLIC SERVICE  
COMMISSION

Re: PSC Case # 98-169

Dear Ms. Helton:

We oppose the installation of the cellular tower at 361 Duke Road. We believe that the size and height of the proposed tower is incompatible with the character and appearance of the neighborhood and surrounding businesses. In addition, we have important safety concerns. The neighborhood feels there may be other locations more appropriate for this tower.


There have been several arguments made that these radiowaves cause cancer. This is near family homes with fast-growing children and a school that would be exposed year round. This danger should not be inflicted on our neighborhood.

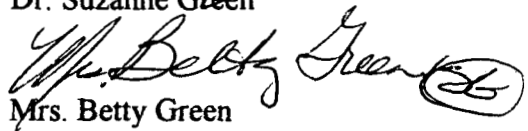
The Kentucky area is well known for its tornadoes. If the tower fell, it could kill residents and damage houses under it. Do not allow the placement of this tower on Duke Road.

We request to be advised of any future happenings regarding the development as stated. This includes meetings where we can appear and be represented by our attorneys.

Thank you for your consideration of our comments.

Sincerely,

  
Dr. Suzanne Green

  
Mrs. Betty Green

Executive Director's Office  
Public Service Commission of Kentucky  
Post Office Box 615  
Frankfort, KY 40602

April 20, 1998

RECEIVED

APR 22 1998

PUBLIC SERVICE  
COMMISSION

CASE NO. 98-169

To whom it may concern,

This letter is in response to the request by Kentucky CGSA, Inc. (Case # 98-169) to erect and operate a cellular tower/antenna at 361 Duke Rd. in Lexington, Kentucky.

Firstly, the consensus opinion of the neighborhood was that this was an issue that had been previously addressed and permission denied. It was therefore disturbing to see that the issue and request remains to be dealt with.

Secondly, it has never been shown that cellular radio communication is neither a public convenience nor necessity. It could be argued that it is a public hazard specifically to the drivers who must dodge other drivers who insist on driving and talking on their cellular phones rather than concentrating on the road. I realize cellular communications are more than phones.

Thirdly to place such a tower in a residential neighborhood is unsightly and potentially dangerous, not to mention the possibility of lowering property values. There are three schools in close proximity to the tower. The neighborhood is abundant with children playing and families walking about. What if this 130 tower were to topple. It wouldn't matter what direction it fell it would damage residential property and possible harm, maim or kill people in its path.

And fourthly, there has been no conclusive irrefutable scientific evidence that living in close proximity to a radio transmission tower and being bombarded by the microwave transmissions is safe.

I therefore must protest to the fullest extent of my rights and abilities to do so any such approval of building the proposed cellular tower on Duke Rd. It would appear that the wide open areas close by at the University of Kentucky would provide a better and safer location for its construction, why not try there.

Sincerely,



Jane V. Douglass  
1089 East Copper Drive  
Lexington, KY 40502

! No To Case no. 98-1691

Executive director Public Service Commission  
I am writing in reference to case  
no. 98-169 which pertains to the installation  
of the 120' monopoles at 361 Duke Road.  
by Kentucky C.G.S.A.

Since Bell South Mobility was not  
permitted to install a monopole 4  
lots down the street I see no reason  
why C.G.S.A. should be allowed to  
install a tower at 361 Duke Rd.  
I oppose this installation.

Mr. Robert Jordan

R. Jordan  
983 Mason Weidly Rd  
Lex, Ky, 40501

RECEIVED

APR 14 1998

PUBLIC SERVICE  
COMMISSION

4/13/98

Re: CASE #  
98-169

Dear Sir -

I hope you will use <sup>your</sup> Good  
judgement & turn down the  
above Cellular Phone Request.

The unsightly Tower would be  
in the middle of Chevy Chase.  
Chevy Chase is stable, Attractive Area  
and it would be very detrimental.

Sincerely,

B & F Realty

J. L. Fife, owner

B & F Realty  
1508 LAKELAND  
Lex. Ky. 40502

April 14, 1998

Re: Public Notice-PSC of Ky.  
Case No. 98-169

Regarding the construction of a  
120' tower at 361 Duke Rd.  
Lexington, I am opposed  
to it because of safety. Also,  
I'm concerned about a possible  
humming noise.

Sincerely,  
Anna V. Wilson  
333 Colony Blvd.  
Lexington, Ky 40502

RECEIVED

APR 15 1998

PUBLIC SERVICE  
COMMISSION

**Ann & Doug McCullough**

1108 Cooper Dr.  
Lexington, KY 40502  
Home Phone (606) 266-7191

April 13, 1998

Executive Director's Office  
Public Service Commission of KY  
Post Office Box 615  
Frankfort, KY 40602

Dear Sir,,

In response to the notice of the proposed tower on Duke Road (case no. 98-169) we see no reason to build the tower in a predominately residential area when open space is available within a mile of the location. Although it may appear to be a largely transitional, neighborhood due to many apartments, we have lived in our house for 34 years and our next-door neighbor has been here longer. I am not sure what intervention requires but we will do whatever is necessary to oppose this construction.

Sincerely,

*Ann McCullough*

Ann McCullough

*Doug McCullough*

Doug McCullough

RECEIVED  
APR 15 1998  
PUBLIC SERVICE  
COMMISSION



April 14, 1998

RAYMOND A YOZWIAK

540 East Main Street

Lexington, KY 40508

Phone 252-1111

Executive Director's Office  
Public Service Commission of Kentucky  
P.O. Box 615  
Frankfort, KY 40602

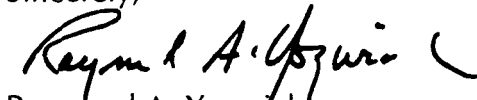
RE: Case No. 98-169

Dear Sirs:

This is to go on record as opposing of a 120' monopole tower at  
361 Duke Road, Lexington, Fayette County, Kentucky, 40502.

We own property at 324 Duke Road, 332 Duke Road, and 1136  
and 1138 Cooper Drive. I feel that the placement of a tower in  
this area would detract from the aesthetics and be damaging to  
my property value.

Sincerely,



Raymond A. Yozwiak

RAY/dlc

RECEIVED  
APR 15 1998  
PUBLIC SERVICE  
COMMISSION

April 13, 1998

RECEIVED  
APR 16 1998  
PUBLIC SERVICE  
COMMISSION

Robert and C.A. Beargie  
1193 Indian Mound  
Lexington, KY 40502

Executive Director's Office  
Public Service Commission of Kentucky  
Post Office Box 615  
Frankfort, KY 40602

RE: Public Notice Case No. 98-169

We strongly oppose construction of the Duke Road tower and antennas and ask the Public Service Commission to deny KY CGSA's request.

While 361 Duke Road may be zoned B-1, it is adjacent to R-2 and R-3 properties with several R-1 properties within the 500' radius.

Thank you.

Robert Beargie

*Robert Beargie*

Catherine Beargie

*Catherine Beargie*

# WYATT, TARRANT & COMBS

1700 LEXINGTON FINANCIAL CENTER  
LEXINGTON, KENTUCKY 40507-1748

606 233-2012  
FAX: 606 259-0649

CITIZENS PLAZA  
LOUISVILLE, KY 40202-2898  
502 589-5235

TAYLOR-SCOTT BUILDING  
FRANKFORT, KY 40601-1807  
502 223-2104

50 EAST RIVERCENTER BLVD., SUITE 810  
COVINGTON, KY 41011-1683  
606 655-9700

ELSBY BUILDING  
NEW ALBANY, IN 47150-3440  
812 945-3561

1500 NASHVILLE CITY CENTER  
NASHVILLE, TN 37219-1750  
615 244-0020

29 MUSIC SQUARE EAST  
NASHVILLE, TN 37203-4322  
615 255-6161

313 E. MAIN STREET, SUITE 1  
HENDERSONVILLE, TN 37075-2546  
615 822-8822

6075 POPLAR AVENUE, SUITE 650  
MEMPHIS, TN 38119-4721  
901 537-1000

10368 WALLACE ALLEY STREET, SUITE 6  
KINGSPORT, TN 37663-3977  
423 279-1825

WRITER'S DIRECT DIAL NUMBER  
502 562-7641

April 14, 1998

Executive Director's Office  
Public Service Commission of Kentucky  
P.O. Box 615  
Frankfort, Kentucky 40602

**RECEIVED**

APR 16 1998

PUBLIC SERVICE  
COMMISSION

RE: Case No. 98-169

Gentlemen:

Please accept this as comments to the application of Kentucky CGSA, Inc. to construct and operate a new facility at 361 Duke Road, Lexington, Kentucky and as a request for intervention in the proceedings before the Public Service Commission.

This is to advise that I own and reside at the property known as 348 Colony Boulevard in Lexington which is within five hundred feet of the proposed tower. This letter is on my personal behalf and not representing other clients.

My comments are as follows:

1. This tower would be located in the heart of the Chevy Chase residential neighborhood which has managed to maintain its residential character because it has always been a desirable place to live with good schools and a friendly neighborhood atmosphere.
2. Property values have remained high. My fear is that the a tower such as is proposed would have an adverse effect on property values as well as desirable aspects of residing in the neighborhood.
3. Apparently the proposed location of the tower is zoned B-1 which is reflected in the notice, but I call to your attention that this business area is entirely neighborhood oriented with a

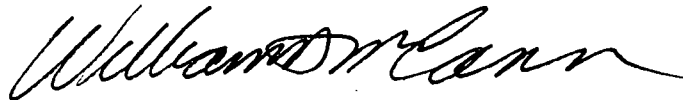
Executive Director  
April 14, 1998  
Page 2

grocery, filling station, restaurant and other shops which cater solely to the neighborhood. This proposed tower would appear to be the first deviation from the existing business neighborhood.

4. Finally, I have no information as to who Kentucky CGSA, Inc. is, the area to be served by the tower, why this location was selected, and any information that would tend to justify the proposal.

Please consider these comments, and keep me advised.

Very truly yours,

A handwritten signature in cursive script, reading "William H. McCann".

William H. McCann

WHM/lsm

cc: Sam G. McNamara

# Kaufmann Properties

352 South Broadway • Lexington, Kentucky 40508 • (606) 233-7474

**RECEIVED**

April 14, 1998

APR 16 1998

Executive Director's Office  
Public Service Commission of Kentucky  
P.O. Box 615  
Frankfort, KY 40602

PUBLIC SERVICE  
COMMISSION

RE: Case #98-169

Dear Commission:

I have several comments about case #98-169 project:

- 1) They have misspelled the name of the organization which owns property in that area. The name is Kaufmann Family Limited Partnership.
- 2) This partnership owns property on Romany Road that will face the proposed site.
- 3) There is another Kaufmann Family Partnership that owns property on Duke Road that will also have a view to this proposed site.
- 4) These partnerships own a total of four properties in this area, and we oppose this construction for the following reasons:
  - a) The erection of a tower at a height of 130 feet does not fit into a residential or business neighborhood, such as this area.
  - b) This pole will be unsightly, as well as the antennas on top of it.
  - c) The construction of this pole will devalue the value of my property.
  - d) The area in which they wish to put this structure is a residential and family owned business with the exception of Kroger, and does not fit into the neighborhood.
- 5) This is the second time an application for this form of construction has taken place. It was defeated within the last year. As has been stated, this "monopole tower" with nine antennas and a total height of 130 feet does not fit into this type of neighborhood.

- 6) Within a few miles of the proposed neighborhood is an area that would be more conducive for this type of structure. Also, there are other locations in Lexington which would better fit this monstrosity.

As an owner of business property, as well as residential, I am totally against this project.

Sincerely,

Ben C. Kaufmann, CFP, CLU, ChFC, CIC

BCK:em

CHARLES BURNETT  
1720 Fairway Drive  
Lexington, Kentucky 40502

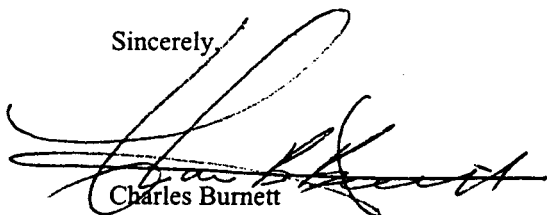
April 15, 1998  
CASE # 98-169

Executive Director  
Public Service Commission

Dear Sir:

In receipt of your letter dated April 8, 1998. I am against **KENTUCKY CGSA, Inc.** erecting a **TOWER** At 361 Duke Road. I cannot recognize a Public Convenience or a Necessity for this tower to be placed in this area. Even though it is zoned B-1 they will not be conducting any business from that location only forwarding radio signals. I cannot see any benefits that property owners, residents other businesses will receive from allowing an unsightly, tall antenna to be erected.

Sincerely,



Charles Burnett

RECEIVED  
APR 16 1998  
PUBLIC SERVICE  
COMMISSION

# McNAMARA & JONES

Attorneys at Law

Sam G. McNamara  
Charles E. Jones

P.O. Box 916  
315 High Street (40601)  
Frankfort, Kentucky 40602-0916

Phone: 502/875-8808  
Fax: 502/223-1043

April 8, 1998

**VIA CERTIFIED MAIL; RETURN RECEIPT REQUESTED**

**Miller & Burnett**  
1720 Fairway  
Lexington, KY 40502

**RECEIVED**  
APR 16 1998  
PUBLIC SERVICE  
COMMISSION

Re: Public Notice - Public Service Commission of KY  
Case No. 98-169

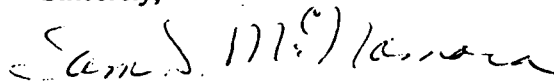
Gentlemen:

Kentucky CGSA, Inc. has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new facility to provide cellular radio telecommunication service. The facility will include a 120' monopole tower with nine (9) antennas for a total height of 130' and an equipment shelter to be located at 361 Duke Road, Lexington, Fayette County, Kentucky 40502, in an area zoned "B-1." Directions to the site are as follows: From downtown Lexington, take Tates Creek Road away from town going in a southern direction; continue on Tates Creek to the intersection of Cooper Drive; take a left on Cooper Drive and go 4 blocks and take a left on Duke Road; the site will be located on the right in the rear of an existing building immediately north of the Post Office Building. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you own property within a 500' radius of the proposed tower.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within twenty (20) days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, Kentucky 40602. Please refer to Case No. 98-169 in your correspondence.

Sincerely,



Sam G. McNamara  
Attorney for Kentucky CGSA, Inc.

SGM/j  
Enclosure



E.W. Smith  
305 Andover  
Lexington, Ky

40502

April 15, 1998

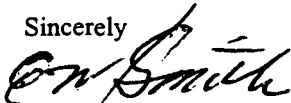
CASE # 98-169

Executive Director  
Public Service Commission

Dear Sir:

In receipt of your letter dated April 8, 1998. I am against **KENTUCKY CGSA, Inc.** erecting a **TOWER** At 361 Duke Road. I cannot recognize a Public Convenience or a Necessity for this tower to be placed in this area. Even though it is zoned B-1 they will not be conducting any business from that location only forwarding radio signals. I cannot see any benefits that property owners, residents other businesses will receive from allowing an unsightly, tall antenna to be erected.

Sincerely



E.W. Smith

RECEIVED

APR 16 1998

PUBLIC SERVICE  
COMMISSION

RECEIVED

APR 20 1998

PUBLIC SERVICE  
COMMISSION

355 Andover Drive  
Lexington, Kentucky 40502  
April 16, 1998

Executive Director's Office  
Public Service Commission of Kentucky  
P. O. Box 615  
Frankfort, Kentucky 40602

Re: Public Notice - Public Service Commission of Ky. Case No.  
98-169

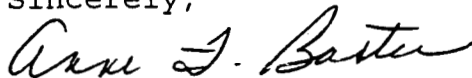
Dear Sir:

I live 2 blocks from Duke Road and want to protest the construction of the new 130' monopole tower by Kentucky CGSA, Inc. This is not appropriate for a residential area.

Please do not approve the request for a Certificate of Public Convenience and Necessity.

Thank you.

Sincerely,



Anne F. Baxter

Apr. 15, 1998

In re: Case No. 98-169

Dear Sirs,

I am thoroughly opposed  
to the construction of the facility  
to provide cellular radio tele-  
communication service at

361 Duke Road, Lexington, Ky. 40502

I am thoroughly confused  
by this request since a  
similary worded request  
was made and denied just  
a few houses north of this  
location and quite  
recently.

Sincerely

Isaac Ruchman

RECEIVED

APR 17 1998

PUBLIC SERVICE  
COMMISSION

R Isaac Ruchman  
365 Garden Rd  
Lexington, KY 40502-2417

# Alley Financial Group

---

Bill Alley  
CLU, ChFC, MSFS

April 20, 1998

Ms. Helen Helton, Executive Director  
Public Service Commission  
730 Schenkel Lane  
P.O. Box 615  
Frankfort, KY 40602

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APR 21 1998  
PUBLIC SERVICE  
COMMISSION

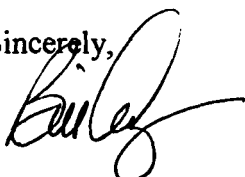
**RE: PSC Case # 98-169**

Ms. Helton,

I oppose the installation of the cellular tower at 361 Duke Road. I believe that the size and height of the proposed tower is incompatible with the character and appearance of our neighborhood and surrounding businesses. Additionally there are important safety concerns. Our neighborhood feels there may be other locations more appropriate for this tower.

Thank you for your consideration.

Sincerely,



Bill Alley  
490 Hart Road  
Lexington, KY 40502  
606-223-4141

2365 Harrodsburg Road, A300 Lexington, Kentucky 40504-3392  
606/223-4141 (voice) 606/223-0499 (fax)

Registered representative of and securities products and services offered through MML Investors Services, Inc.,  
1414 Main Street, Springfield, MA 01144-1013, (413)737-8400.

Alley Financial Group is not a subsidiary or affiliate of MML Investors Services, Inc.

April 18, 1998  
Executive Director's Office,  
Public Service Commission of Ky.  
P.O. Box 615  
Frankfort Ky. 40602  
Re: Public Service Commission of Ky.  
Case No 98-169

Dear Sir or Ms.:

It is outrageous that a tower 130' tall with 9 antennas can even be considered to be erected in an old established much beloved and desirable family neighborhood like Chevy Chase. Such a monster would not only be an eye-sore which would reduce the value of our homes but also we understand a cellular tower can interfere with TV and radio reception. We have lived in our home 47 years and should not have to put up with such an infringement. Please do what you can to stop this from happening.

Sincerely yours

Gorothy C. Humphries  
James C. Humphries

**RECEIVED**

APR 21 1998

PUBLIC SERVICE  
COMMISSION

1233 E. Cooper Dr.  
Lexington, Ky. 40502

LAW OFFICE OF  
HENRY E. DAVIS  
3010 LEXINGTON FINANCIAL CENTER  
250 WEST MAIN STREET  
LEXINGTON, KENTUCKY 40507  
TELEPHONE: (606) 281-5658  
FAX: (606) 281-5644

April 20, 1998

Ms. Helen Helton, Executive Director  
Public Service Commission  
730 Schenkel Lane  
P. O. Box 615  
Frankfort, Kentucky 40602

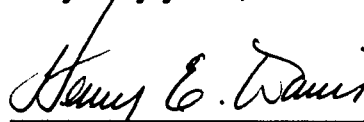
RECEIVED  
APR 21 1998  
PUBLIC SERVICE  
COMMISSION

Re: PSC Case #98-169

Dear Ms. Helton:

I oppose the installation of the cellular tower at 361 Duke Road, Lexington, Kentucky. I believe that the size and height of the proposed tower is incompatible with the character and appearance of this older neighborhood and the surrounding businesses. This tower will be a blight on one of the most unique sections of Lexington and can be easily relocated to a rural section of the city.

Very truly yours,



---

HENRY E. DAVIS  
477 Hart Road  
Lexington, Kentucky 40502  
(606) 253-1000 (Office)  
(606) 269-0151 (Home)

**Diana Moore, President  
Chevy Chase Neighborhood  
Association  
425 Cochran Road  
Lexington, KY 40502-2314**

**April 24, 1998**

**Ms. Helen Helton, Executive Director  
Public Service Commission  
730 Schenkel Lane  
P. O. Box 615  
Frankfort, KY 40602**

**RECEIVED**

**APR 28 1998**

**PUBLIC SERVICE  
COMMISSION**

**RE: PSC Case #98-169**

**Dear Ms. Helton;**

**I am writing for the Chevy Chase Neighborhood Association to object to the proposed monopole at 361 Duke Road. This area is the most populated area of Chevy Chase. Our "business district" is just a few "mom and pop" stores not a large retail area. This is a very high traffic area, many cars and pedestrians visit the post office next door.**

**In looking at the surrounding area many more suitable sites could accommodate this structure. We would like Bell South Mobility to look at other properties.**

**We as neighbors have many safety concerns over the monopole. We would like to work with Bell South Mobility to come to a more reasonable solution. The Chevy Chase Neighborhood Association objects to the monopole and wants to be informed of all activity on this application to the Public Service Commission.**

**Sincerely:**



**Diana Moore  
Chevy Chase Neighborhood Association**

**STITES & HARBISON**  
250 WEST MAIN STREET  
2300 LEXINGTON FINANCIAL CENTER  
LEXINGTON, KENTUCKY 40507-1758  
(606) 226-2300

FACSIMILE (606) 253-9144

CHARLES E. PALMER, JR.  
DAVID C. BROWN  
SIDNEY C. KINKEAD, JR.  
GEORGE W. MILLS  
C. DANT KEARNS  
W. ROBINSON BEARD  
RALSTON W. STEENROD  
ROBERT W. LANUM\*  
STEVEN L. BESHEAR  
JOE B. CAMPBELL  
J. BISSELL ROBERTS  
BRUCE M. REYNOLDS  
CHARLES J. CRONAN, IV  
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CYNTHIA L. COFFEE  
LYNN C. STIDHAM  
CHERYL U. LEWIS

BROOKS D. KUBIK  
SHANNON ANTLE HAMILTON  
KATHLEEN O. MCKUNE  
WILLIAM T. GORTON III\*  
ANDREW R. JACOBS\*\*\*\*  
MICHELE M. WHITTINGTON  
MARGARET M. PISACANO  
BENJAMIN LEE KESSINGER, III  
T. MORGAN WARD, JR.  
LISSA WATHEN  
MARTHA J. HASSELBACHER  
ERICA L. HORN  
DON A. PISACANO  
CATHERINE CRAWFORD YOUNG

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ROBIN S. CRADDOCK  
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MONIQUE R. HUNT  
TIMOTHY C. KIMMEL  
LISA K. RAMSEY  
REBECCA B. STEPHENSON  
JAMES W. PROUD

LLOYD C. CHATFIELD II  
BARRY A. HINES  
LORI R. HOLLIS  
CYNTHIA S. BUTTORFF\*\*\*  
BETHANY A. BREETZ  
MICHAEL I. KANOVITZ  
AMANDA L. POPE\*\*  
JASON P. THOMAS  
M. JANE BRANNON  
JEFFREY J. CHAPURAN  
GREGORY L. DAVIS  
MARJORIE A. FARRIS  
D. CHAD MCCOY  
NANCY E. MCELWAIN  
JENNIFER L. ROBINSON  
ANGELA L. STINEBRUNER  
CHRISTINE S. TALLEY\*\*\*  
ANTHONY J. ELPERS  
MEREDITH M. ALEXANDER

TIMOTHY W. BRATCHER  
DANIEL E. DANFORD  
WOODROW A. JONES, JR.  
KRISTIN L. RAY  
TYLER B. ROSS  
C. KENNAN WETHINGTON  
COUNSEL  
BEN L. KESSINGER, JR.  
CALVERT T. ROSZELL, P.S.C.  
LIVELY M. WILSON  
ROMANO L. MAZZOLI  
ALFRED S. JOSEPH, III  
THOMAS J. STIPANOWICH\*\*\*  
JOHN A. JOHNSON  
KENNETH G. LEE\*  
ELIZABETH LEE THOMPSON  
PAUL J. HOUK\*\*\*\*  
JAMES A. NITSCHKE  
MARC S. MURPHY\*\*\*  
OF COUNSEL  
NATHAN ELLIOTT, JR.  
T. KENNEDY HELM, JR.

RALPH F. KESSINGER  
JAMES W. STITES, JR.

\*ADMITTED IN INDIANA ONLY  
\*\*ADMITTED IN MICHIGAN  
AND KENTUCKY  
\*\*\*ADMITTED IN INDIANA  
AND KENTUCKY  
\*\*\*\*ADMITTED IN GEORGIA  
AND KENTUCKY  
\*\*\*\*\*ADMITTED IN PENNSYLVANIA  
AND KENTUCKY  
\*\*\*\*\*ADMITTED IN OHIO  
AND KENTUCKY  
\*\*\*\*\*ADMITTED IN ILLINOIS, GEORGIA  
AND KENTUCKY  
\*\*\*\*\*ADMITTED IN OHIO, CONNECTICUT  
AND KENTUCKY  
\*\*\*\*\*ADMITTED IN FLORIDA  
AND KENTUCKY  
\*\*\*\*\*ADMITTED IN DISTRICT OF  
COLUMBIA AND VIRGINIA

April 27, 1998

Ms. Helen Helton, Executive Director  
Public Service Commission  
730 Schenkl Lane  
P.O. Box 615  
Frankfort, Kentucky 40602

RECEIVED  
APR 28 1998  
PUBLIC SERVICE  
COMMISSION

Dear Ms. Helton:

I am writing in my capacity as President of the East Cooper Townhouse Association to express the Association's opposition to the installation of a cellular tower at 361 Duke Road. We are extremely concerned that the size and height of the proposed tower is incompatible with the character and appearance of our neighborhood. In addition, we have safety concerns for ourselves and our children. Please try to find a different and more appropriate location if the tower is necessary.

If you have any questions or if I can be of any assistance, please do not hesitate to contact me.

Sincerely,



D. Chad McCoy, President  
East Cooper Townhouse Association

DCM:dmf

190423:lex

400 WEST MARKET STREET  
SUITE 1800  
LOUISVILLE, KENTUCKY 40202-3352  
(502) 587-3400  
FAX (502) 587-6391

421 WEST MAIN STREET  
P.O. Box 684  
FRANKFORT, KENTUCKY 40602-0684  
(502) 223-3477  
FAX (502) 223-4124

923 EAST COURT AVENUE  
JEFFERSONVILLE, INDIANA 47130-3481  
(812) 282-7566  
FAX (812) 284-5519

1200 G STREET, N.W.  
SUITE 800  
WASHINGTON, D.C. 20005  
(202) 434-8968  
FAX (202) 737-5822